

AUG 27 2010

cc: Nichole, Copy to parties via ECF

1 in violation of 18 U.S.C. §§ 2252A(a)(5)(B) and (b)(2), and one count of attempting to obstruct,
2 delay and affect commerce and the movement of articles and commodities in such commerce by
3 extortion, as defined in 18 U.S.C. § 1951, in that the defendant attempted to obtain the property
4 of minor Jane Doe with minor Jane Doe's consent induced by the wrongful use of force,
5 violence, and fear in violation of 18 U.S.C. §1951.

6 Upon request, the United States will produce to counsel for the defendant discovery,
7 some of which may contain personal identifying information, such as birth dates, home
8 addresses, and other identifying information pertaining to the minor victim in this case. Pursuant
9 to the privacy protection measures mandated by 18 U.S.C. § 3509(d) when a case involves a
10 person under the age of eighteen years who is alleged to be a victim of a crime of sexual
11 exploitation, or a person under the age of eighteen years who is a witness to a crime committed
12 against another person, the government requests that all persons acting in this case in a capacity
13 described in 18 U.S.C. § 3509(d)(1)(B) be subject to the following restrictions:

14 1. Except when being actively examined for the purpose of the preparation of the
15 defense, the documents containing personal identifying information of the minor victim, the
16 family of the minor victim, or any minor witnesses, produced by the government to defense
17 counsel shall be maintained in a locked, safe, and secure drawer, cabinet, or safe which is
18 accessible only to defense counsel, members of his or her law firm who are working with him or
19 her to prepare the defendant's defense, and his or her investigator. Defense counsel, members of
20 his or her law firm, the defendant, and the investigator shall not permit any person access of any
21 kind to the documents or disclose in any manner the personal identifying information of the
22 minor victim, the family of the minor victim, or any minor witnesses except as set forth below.

23 2. The following individuals may examine the documents and information related to
24 the personal identifying and private financial information of third parties for the sole purpose of
25 preparing the defense and for no other purpose:

- 26 a) Counsel for defendant;
27 b) Members of the defendant's law offices who are assisting with the
28 preparation of the defense;

- c) Defendant, but only in the presence of defense counsel or another authorized person listed in this paragraph;
- d) Investigators retained by defendant to assist in the defense of this matter; and
- e) Consulting and testifying experts retained by defendant to assist in the defense of this matter.

If defense counsel determines that additional persons are needed to review the material, he or she must obtain a further order of the Court before allowing any other individual to review the material.

3. A copy of this order shall be maintained with the documents at all times.

4. All individuals other than defense counsel, investigators retained by defense counsel, and the defendant who receive access to the materials pursuant to this Order, prior to receiving access to the materials, shall sign a copy of this Order acknowledging that:

- a) they have reviewed the Order;
- b) they understand its contents;
- c) they agree that they will only access the documents and information for the purposes of preparing a defense;
- d) they understand that failure to abide by this Order may result in sanctions by this Court.

Counsel for the defendant shall promptly file signed copies of the Order, ex parte and under seal. The government shall have no access to these signed copies without further order of the District Court.

5. No other person may be allowed to examine the material without further court order. Examination of the documents shall be done in a secure environment which will not expose the materials to other individuals not listed above.

6. Documents such as word processing files, e-mails, and other text files may be duplicated to the extent necessary to prepare the defense of this matter.

7. Any pleadings that reveal the personal identifying or private information of third

1 parties, either by attaching copies of documents containing that information or referencing that
2 information, shall be redacted to prevent the disclosure of such information or filed under seal.

3 8. All papers to be filed in court that disclose the name of or any other information
4 concerning a child shall be filed under seal ~~without necessity of obtaining a court order~~ and that
5 the person who makes the filing shall submit to the clerk of the court --

6 a. the complete paper to be kept under seal; and
7 b. the paper with the portions of it that disclose the name of or other
8 information concerning a child redacted, to be placed in the public record.

9 9. The parties and the witnesses shall not disclose either alleged minor victim's
10 names at pre-trial proceedings or at trial in this case. The parties shall prepare their witnesses
11 and instruct them to refer to the alleged minor victims only by their initials and all counsel shall
12 refer only to their initials, rather than their names, in opening statements and in closing
13 arguments.

14 10. Rather than contacting either alleged minor victim directly, counsel for defendants
15 shall inform counsel for the government in the event they intend to seek to interview either
16 alleged minor victim in this case. Upon such a request, government counsel shall inform the
17 minor victims of the request by defendants' counsel so that their communication may be
18 facilitated.

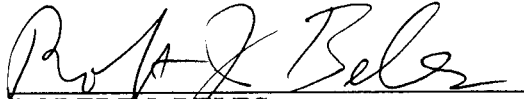
19 11. If, in resolving this matter, defendant waives his right to appeal or to file any
20 collateral attack on his conviction or sentence, within ten court days of the judgment and
21 sentencing hearing in this matter, all material provided to defense counsel pursuant to this Order,
22 and all other authorized copies, if any, may be maintained (as provided in paragraph 1) by
23 defense counsel for 18 months, after which time the materials shall be returned to the
24 Government. The Government shall maintain a copy of the materials in accordance with its
25 archival policies.


26 12. If, in resolving this matter, the defendant preserves his right to appeal or to file
27 any collateral attack on his conviction or sentence, and if defendant believes that he or she must
28 maintain the material for any reason related to appeal or possible collateral attack, defendant

1 must notify the Government within ten days of the sentencing and judgment in this matter. The
2 parties shall meet and confer on whether defendant must seek authorization from the District
3 Court to maintain the material.

4
5 STIPULATED:

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7 DATED: August 27, 2010


ROBERT J. BELES
Attorney for Defendant James Dale Brown

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JOSHUA HILL
Assistant United States Attorney

13 SO ORDERED that disclosure of the above-described discovery materials and contact
14 with the minor victim shall be restricted as set forth above.

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16
17 DATED: August 27, 2010


THE HONORABLE DONNA RYU
United States Magistrate Judge